

1 Workers' Compensation Full Board Meeting Minutes

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3 **Date:** Tuesday, September 17, 2024

4 **Location:** 328 State St., Schenectady, NY  
Room 324

5 **Webcast Live**

6 **Time:** 10:00 a.m.

7 **MEMBERS OF THE BOARD**

8 Clarissa M. Rodriguez, Chair

9 Freida Foster, Vice Chair

10 Mark Higgins

11 Loren Lobban, Esq. (Absent)

12 Samuel Williams

13 Linda Hull

14 Steven A. Crain, Esq.

15 Mark R. Stasko

16 Pamela Caggianelli

17 Arelis Tavares

18 Martin M. Dilan

19 Renee Delgado, Esq.

20 Gloribelle Perez, Esq.

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22 **EXECUTIVE DIRECTOR**

23 Steven M. Scotti, Esq.

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25 **SECRETARY TO THE BOARD**

26 Laura Inglis

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28 **GENERAL COUNSEL**

29 Heather MacMaster, Esq.

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31 **ASSOCIATE ATTORNEY**

32 Heather Justice, Esq.

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1 CLARISSA RODRIGUEZ: Good morning,  
2 everyone. Thank you for joining me today. I am  
3 Clarissa Rodriguez, Chair of the New York State  
4 Workers' Compensation Board. Today's Full Board  
5 meeting is being webcast live for members of the  
6 public. So welcome. It is also facilitated by an  
7 American Sign Language Interpreter. Welcome,  
8 Interpreter.

9 I now have the honor of calling the 1,035th  
10 meeting of the Full Board to order. Madam Secretary,  
11 will you please call attendance?

12 LAURA INGLIS: Vice Chair Foster.

13 FREIDA FOSTER: Here.

14 LAURA INGLIS: Board Member Higgins.

15 MARK HIGGINS: Here.

16 LAURA INGLIS: Board Member Williams.

17 SAMUEL WILLIAMS: Here.

18 LAURA INGLIS: Board Member Hull.

19 LINDA HULL: Here.

20 LAURA INGLIS: Board Member Crain.

21 STEVEN CRAIN: Here.

22 LAURA INGLIS: Board Member Stasko.

23 MARK STASKO: Here.

24 LAURA INGLIS: Board Member Tavares.

1 ARELIS TAVARES: Here.

2 LAURA INGLIS: Board Member Caggianelli.

3 PAMELA CAGGIANELLI: Here.

4 LAURA INGLIS: Board Member Dilan.

5 MARTIN DILAN: Here.

6 LAURA INGLIS: Board Member Delgado.

7 RENEE DELGADO: Here.

8 LAURA INGLIS: And Board Member Perez.

9 GLORIBELLE PEREZ: Here.

10 LAURA INGLIS: Chair, Board Member Lobban is  
11 absent today, has requested to be absent today.

12 CLARISSA RODRIGUEZ: Okay, thank you, Madam  
13 Secretary. Board Members, may I please have a motion  
14 to accept the absence of Board Member Lobban?

15 UNIDENTIFIED MALE SPEAKER: Yes.

16 MARK HIGGINS: Board, Chair, Board Member  
17 Mark Higgins, I move that we accept the absence of  
18 Board Member Lobban.

19 CLARISSA RODRIGUEZ: Thank you, Board  
20 Member Higgins. Is there a second?

21 MARTIN DILAN: Second.

22 CLARISSA RODRIGUEZ: Okay, thank you, Board  
23 Member Dilan. Is there any opposition to the motion?  
24 Okay, hearing no opposition, Board Members all in

1 favor, please say aye.

2 ALL: Aye.

3 CLARISSA RODRIGUEZ: All opposed? Hearing  
4 none, that motion is passed. Thank you. Approval of  
5 the July 16, 2024 meeting minutes. Board Members,  
6 you've all received a copy of the July 16, 2024  
7 meeting minutes for your review. Are there any  
8 questions or need for a discussion? Okay, hearing  
9 none, is there a motion to accept the Board meeting  
10 minutes for July?

11 LINDA HULL: Yes, Madam Chair, this is Board  
12 Member Hull, and I move to accept the Board meeting  
13 minutes.

14 CLARISSA RODRIGUEZ: Thank you, Board  
15 Member Hull. Is there a second?

16 UNIDENTIFIED MALE SPEAKER: Yes.

17 PAMELA CAGGIANELLI: Yes, Madam Chair, this  
18 is Board Member Caggianelli, and I second that motion.

19 CLARISSA RODRIGUEZ: Thank you, Board  
20 Member Caggianelli for that second. Is there any  
21 opposition to the motion? Okay, hearing none, Board  
22 Members all in favor, please say aye.

23 ALL: Aye.

24 CLARISSA RODRIGUEZ: All opposed? Okay, I

1 am also a yes, that motion is passed. Thank you.  
2 Office of General Counsel's Departmental Report.  
3 General Counsel, Heather MacMaster, will now present  
4 the Office of General Counsel's Departmental Reports  
5 for July and August.

6 HEATHER MACMASTER: Thank you, Madam Chair,  
7 Madam Vice Chair, Members of the Board. In July 2024  
8 in the Office of General Counsel, the Adjudication  
9 Division held 17,407 hearings, they resolved 10 --  
10 2 -- 927 cases at hearing, and issued 297 Reserve  
11 Decisions. The Adjudication Division also finalized  
12 1616 Waiver Agreements.

13 In the Administrative Review Division there were  
14 1,074 applications received, 790 were processed, and  
15 there are currently 7,407 pending.

16 And in August of 2024 in the Office of General  
17 Counsel, the Adjudication Division held 16,566  
18 hearings, resolved 10,570 cases at hearing, and issued  
19 316 Reserve Decisions. They also finalized 1561  
20 Waiver Agreements.

21 And in the Administrative Review Division, there  
22 were 956 applications received, 909 were processed,  
23 and there are currently 7,454 applications pending.

24 May I go back to the July of 2024, I'm sorry?

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CLARISSA RODRIGUEZ: Yes.

HEATHER MACMASTER: I overlooked the Legal Affairs Division. In July of 2024, the Legal Affairs Division received 84 Full Board Review applications, they processed 88, and there are currently 198 applications pending.

And in August of 2024, Legal Affairs received 73 Full Board Review applications, 93, processed 93 applications, and they currently have an inventory of 178 applications pending.

CLARISSA RODRIGUEZ: Okay, thank you so much, Heather. Board Members, are there any questions or need for discussion? Okay, may I please have a motion to accept the Office of General Counsel's Departmental Reports for July and August?

STEVEN CRAIN: Motion to accept.

CLARISSA RODRIGUEZ: Thank you --

STEVEN CRAIN: Board Member Crain.

CLARISSA RODRIGUEZ: Thank you, Board Member Crain for that motion. Is there a second?

SAMUEL WILLIAMS: Second --

LINDA HULL: Board Member Hull, I second it.

CLARISSA RODRIGUEZ: Okay.

SAMUEL WILLIAMS: You got two seconds.

1 CLARISSA RODRIGUEZ: I have two. Board  
2 Member Williams, thank you for that second. Is there  
3 any opposition for the motion? No? All right, Board  
4 Members all in favor, please say aye.

5 ALL: Aye.

6 CLARISSA RODRIGUEZ: All opposed? Okay, I  
7 am also a yes, that motion is passed. Thank you,  
8 Board Members. Agenda Item 3, License Applications.  
9 Associate Attorney, Heather Justice, will now present  
10 the Licensing Applications for the prior month.

11 HEATHER JUSTICE: Good morning, Madam Chair,  
12 Madam Vice Chair, Board Members, and Colleagues. You  
13 have before you the recommendations from the Assigned  
14 Board Panel regarding the Licensing Applications  
15 listed in Part 3 of today's agenda. Section 24-a,  
16 Mitchell Shuman, three years. Section 50(3-b),  
17 Related Risk and Alera Insurance Agency LLC, new  
18 qualifying officer, Bernard Goldman, denied.  
19 Section 50(3-d), Veritas Administrators II LLC,  
20 qualifying officer, Gary Limoncelli, Esq., three  
21 years. I present these recommendations to the Board  
22 for your consideration.

23 CLARISSA RODRIGUEZ: Okay, thank you so  
24 much, Heather.

1 HEATHER JUSTICE: Thank you, Chair.

2 CLARISSA RODRIGUEZ: Board Members, are  
3 there any questions or need for discussion? Okay,  
4 hearing none, may I please have a motion to accept the  
5 recommendations of the Board Panels as described?

6 GLORIBELLE PEREZ: I move to accept the  
7 recommendations, Board Member Perez.

8 CLARISSA RODRIGUEZ: Thank you, Board  
9 Member Perez. Is there a second?

10 RENEE DELGADO: Board Member Delgado, I  
11 second.

12 CLARISSA RODRIGUEZ: Thank you, Board  
13 Member Delgado. Is there any opposition to the  
14 motion? Okay, Board Members, hearing no opposition,  
15 all in favor, please say aye.

16 ALL: Aye.

17 CLARISSA RODRIGUEZ: All opposed? I am  
18 also a yes, that motion is passed. Thank you. There  
19 are no Legal Appeals nor Mandatory Full Board Review  
20 cases to discuss this month, so we're moving on to our  
21 Discretionary Full Board Reviews. And I now turn this  
22 portion of the agenda over to Vice Chair Frieda  
23 Foster.

24 FREIDA FOSTER: Thank you, Madam Chair. For



1 the cases listed in Item 6 on your agenda, it's been  
2 recommended that Full Board Review be granted. Those  
3 cases are 6A, New York City Transit Authority; and 6B,  
4 Matter of Cayuga County Sheriff's Office. I move to  
5 refer the cases back to their respective Panels for  
6 further consideration.

7 CLARISSA RODRIGUEZ: Thank you, Vice Chair  
8 Foster. Is there a second?

9 LINDA HULL: This is Board Member Linda  
10 Hull, and I second that motion.

11 CLARISSA RODRIGUEZ: Thank you, Board  
12 Member Hull for that second. Are there any recusals  
13 from either of these matters? Okay, is there any  
14 opposition to the motion? Okay, hearing no  
15 opposition, Board Members all in favor, please say  
16 aye.

17 ALL: Aye.

18 CLARISSA RODRIGUEZ: Thank you. All  
19 opposed? I am also a yes, that motion is passed.  
20 Thank you, Board Members. Is there any other business  
21 before adjourning today's meeting? Okay, hearing  
22 none, may I please have a motion to adjourn today's  
23 meeting?

24 PAMELA CAGGIANELLI: This is Pam

1 Caggianelli, Madam Chair, I move that we adjourn the  
2 meeting.

3 CLARISSA RODRIGUEZ: Thank you. Is there a  
4 second?

5 UNIDENTIFIED FEMALE SPEAKER: I second.

6 MARK STASKO: Yes, I second the motion.

7 CLARISSA RODRIGUEZ: Okay, thank you, Board  
8 Member Stasko. Board Members all in favor -- is, is  
9 there any opposition, sorry, to the motion?

10 UNIDENTIFIED FEMALE SPEAKER: No.

11 CLARISSA RODRIGUEZ: Yes, I would hope not.  
12 Board Members all in favor, please say aye.

13 ALL: Aye.

14 CLARISSA RODRIGUEZ: Okay, thank you. All  
15 opposed?e Hearing no opposition, that motion is  
16 passed. Meeting adjourned. Thank you, Board Members.  
17 Enjoy the rest of your afternoon.

18 ALL: You too.

19 CLARISSA RODRIGUEZ: Thank you.

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21 (Whereupon, the meeting was adjourned.)

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